

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:

**JOE MONGE, and
ROSANA MONGE,**

Debtors.

CASE NO. 08-30881-LMC

CHAPTER 11

MOTION TO AUTHORIZE THE DEBTORS TO MAINTAIN AND USE THEIR PRE-PETITION BANK ACCOUNT AT WELLS FARGO BANK ON NEGATIVE NOTICE

**THIS PLEADING REQUESTS RELIEF WHICH MAY BE
ADVERSE TO YOUR INTEREST.**

**IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY (20)
DAYS FROM THE DATE OF SERVICE, THE RELIEF
REQUESTED HEREIN MAY BE GRANTED WITHOUT A
HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A
HEARING TO BE HELD.**

TO THE HONORABLE LEIF M. CLARK, UNITED STATES BANKRUPTCY JUDGE:

NOW COMES Joe Monge and Rosana Monge, Debtors in the above entitled and numbered case by and through Sidney J. Diamond of Sidney Diamond, P.C, their attorney of record and files this Motion to Authorize the Debtor To Maintain and Use Their Pre-Petition Bank Account at Wells Fargo Bank on Negative Notice, and would respectfully show the Court the following:

1. The Debtors filed a Petition For Relief Under Chapter 11 of Title 11, United States Code on April 27, 2009. The Debtors remain in possession of their property and are operating their business.
2. The Debtors have maintained their bank account at Wells Fargo Bank for over 30 years. Debtors are both federal government employees and their paychecks are direct deposited at the bank account at Wells Fargo Bank. It is in the best interest of the Debtors that they maintain

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their present bank account at Wells Fargo Bank in order to avoid disrupting their banking process.

3. Wells Fargo Bank is a federally insured institution with insurance covering total deposits of up to \$100,000.00. The money on deposit in all accounts of the Debtor-in-Possession will never approach \$100,000.00 which is the federally-insured limit.

4. The Debtor- in- Possession request that they be allowed to continue to use their bank account at Wells Fargo Bank.

5. The Debtors will notify Wells Fargo Bank to change the style of the checking account to Debtor-in-Possession, Case No. 09-30881-LMC and will clearly imprint on each form the case number and "Debtor-in-Possession. The Debtors will close all other pre-petition accounts.

6. The Debtors will provide to the Office of the U.S. Trustee the location and account number of any additional Debtor-in-Possession accounts opened by the Debtors. The Debtors will provide to the United States Trustee a reconciliation for their checking account at Wells Fargo Bank, including copies of bank statements and lists of outstanding checks with dates, payees and amounts and attach a copy of the monthly bank statement at Wells Fargo Bank to their monthly operating reports.

Wherefore the Debtors Pray:

1. That the Court authorize the Debtors to maintain and use their pre-petition bank account at Wells Fargo Bank; and

2. For such other and relief as they Debtors may show themselves to be entitled.

DATED: May 15, 2009.

Respectfully submitted,

SIDNEY DIAMOND, P.C.

By: /s/ Sidney J. Diamond
Sidney J. Diamond
Attorney For Debtor
Texas Bar Card No.: 5803000

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3800 N. Mesa, Suite C-4
El Paso, Texas 79902
915-532-3327 Voice
915-532-3355 Fax
Sidney@sidneydiamond.com Email

CERTIFICATE OF SERVICE

I, Sidney J. Diamond, do hereby certify that on May 15, 2009, a true and correct copy of the foregoing Motion To Authorize the Debtors to Maintain and Use Their Pre-Petition Bank Account at Wells Fargo Bank on Negative Notice, by depositing the same in the United States Mail, properly addressed and postage prepaid, or by fax or email as noted, to the following parties:

DEBTORS:

Joe and Rosana Monge
51 Sierra Crest Drive
El Paso, Texas 79902

UNITED STATES TRUSTEE:

Office of the U.S. Trustee
P.O. Box 1539
San Antonio, TX 78295-1539

PARTIES IN INTEREST

PREVIOUSLY REQUESTING NOTICE:

City of El Paso
c/o David G. Aelvoet
711 Navarro, Suite 300
San Antonio, TX 78205

Ascension Capital Group
ONYX Acceptance Corp.
Capital One Bank
PO Box 20137
Arlington, TX 76006

El Paso Area Teachers Federal Credit Union
c/o Carlos Miranda III PC
5915 Silver Springs Dr., Bldg. 3A
El Paso, TX 79912

AFFECTED PARTY:

Wells Fargo Bank
Deposits Bankruptcy Dept.
P.O. Box 3908
Portland, OR 97208-3908

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/s/ Sidney J. Diamond
Sidney J. Diamond

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